The Solicitors' Journal and Weekly Reporter.

(*ESTABLISHED IN 1857.*)

LONDON, JANUARY 7, 1922.

ANNUAL SUBSCRIPTION, PAYABLE IN ADVANCE.
£2 12s.; by Post, £2 14s.; Foreign, £2 16s.
HALF-YEARLY AND QUARTERLY SUBSCRIPTIONS IN PROPORTION.

*** The Editor cannot undertake to return rejected contributions, and copies should be kept of all articles sent by writers who are not on the regular staff of the JOURNAL.

All letters intended for publication must be authenticated by the name of the writer.

GENERAL HEADINGS.

Cases Reported this Week.

Current Topics.

The Crown Proceedings Committee.

WE DISCUSS elsewhere the reasons which have led to the appointment of the Crown Proceedings Committee, and the nature of the inquiry which lies before them, and we print elsewhere also the names of the Committee. There are seventeen members, and the great preponderance of the official element will be noted with some surprise. Of the seventeen two are the present Law Officers; two are Judges who have been junior Treasury counsel; three are present Treasury or Board of Trade counsel; one is the Lord Chancellor's secretary; and there are other members whose names are less familiar, whom we incline to believe have official associations. We do not put in the same category Sir JOHN P. MELLOR and Sir WILLES CHITTY, for, while official, their great knowledge of practice will be valuable to the Committee. In this view Sir WILLES CHITTY'S inclusion is perhaps the most important feature of the Committee. But as far as we can see—we shall be glad to be corrected—Sir WALTER TROWER is the only really independent member. Substantially the Committee is a Committee of Crown lawyers to reform Crown procedure—a singular illustration of the fable of the wolf and the lamb.

The Utility of Grand Juries.

WE NOTICED recently (*ante*, p. 132) the Order in Council under which the summoning of grand juries has been revived, and we suggested that their suspension during the war, which had led to no inconvenience, might very well have been turned into abolition. This view seems to have generally prevailed at the Quarter Sessions which have been held this week, at any rate as regards those sessions, and in principle there seems to be little distinction for this purpose between Quarter Sessions and Assizes. At Durham, Judge GREENWELL, the Chairman, said that they had done without grand juries for several years and nobody had observed that the administration of justice had been any the worse. Lord Justice BANKES at the Flintshire Quarter Sessions distinguished Assizes which dealt with more serious crimes, but saw no useful purpose in having grand juries for Quarter Sessions.

At the East Riding Quarter Sessions the Chairman, Sir ALEXANDER MACDONALD, made a strong defence of grand juries, but it does not appear whether he was referring to Assizes only or not. In fact, at that Sessions the result of the grand jury system was merely ridiculous. A total of 62 persons were summoned on the grand and common juries from different parts of the East Riding and the only prisoners were two boys charged with stealing chocolates from shop windows. Resolutions in favour of abolishing grand juries were passed at the Cornwall, Surrey, Dorset, Gloucestershire, Essex and Staffordshire Quarter Sessions, and there have been other resolutions in favour of abolition at Quarter Sessions only. It is clear that the authorities were needlessly precipitate in reviving the system, and the proper course, as we have already suggested, would have been to refer the matter to Parliament.

The late Mr. Albert Gibson.

MANY MEMBERS of the legal profession will have heard with regret of the death of Mr. ALBERT GIBSON on Christmas Day. Probably more young solicitors owe their successful entrance into the profession to the conscientious coaching of the famous establishment in Chancery Lane, familiarly known as "Gibson and Weldon," than to all other contemporary tutors put together. What "Wren's" was to the Indian Civil Service and "Maguires" to the Army, "Gibson and Weldon" were to the Law. Mr. GIBSON commenced coaching for the solicitors' examinations in 1876, when he was four-and-twenty years of age. He immediately made a name for himself. His coaching was at once thorough, lucid and eminently practical, for—young as he then was—he had seen some years of legal practice at home and abroad. Above all, his system of teaching was methodical; he gave to his pupils notes of the ground to be covered, hints as to reading, questions to be answered, and model answers to the questions. Not content with this, he set out—in conjunction with Mr. ARTHUR WELDON and other well-known coaches—to produce text-books expressly for students and on an entirely new plan. These text-books contained nothing that was superfluous and nothing that was merely antiquarian and dilletante, but they were not cram books. The principles were clearly and thoroughly stated; the details very accurately given. He founded also a monthly paper called "Law Notes," which still exists and keeps the student most admirably up-to-date as regards both recent decisions and passing legislation. His serial "Law Notes" Library is also most useful—to practitioners as well as students. The most successful of his many first rate text-books, of course, was his "Conveyancing," which has entered on its eleventh edition. There can be no doubt that, in the quarter century before the Law Society stepped in and supplied its present complete system of lectures in Bell Yard for articled pupils, the establishment of "Gibson and Weldon" did a great work in raising the standard of legal education for one of the two great branches of the legal profession. The late Mr. GIBSON will long be remembered with affection and respect by the great legion of those who were his pupils.

The Bar Council's Report.

CONSIDERING THAT the Annual Report of the Bar Council is the only means which the Bar has of making its views known to the world, it must be pronounced to be an essentially modest document. It has had under consideration, we are told, the Matrimonial Causes Bill, the Tribunals of Inquiry (Evidence) Bill and the Railways Bill, but the nature and results of this consideration are left to be guessed at. The two last are now Statutes. Had the Council any real effect upon them? The Matrimonial Causes Bill is still a matter for the future. Are the Bar Council going to assist in putting divorce law and procedure on a sensible footing? The report gives no hint. Nor has the Report anything to say about the Law of Property Bill, which is a measure vitally affecting no small portion of the Bar. Of course, we do not mean to press these questions too far. It is well known that the scope of the Bar Council's activities is limited. In effect it exists to exercise the jurisdiction in matters of etiquette which was formerly vested in the Attorney-General, and indeed is, we believe, still vested in him if he cares to assert his right. But when we come to see what these questions of etiquette are, we are not impressed by their importance. A barrister in a provincial town may not put "barrister-at-law" after his name outside his chambers; the Council think the addition is "undesirable," but they give no reason, and of course there is none. *A fortiori* he should not put it after his name in the telephone directory, and yet the London Directory is strewn with these self-advertising counsel. The fact is that what a barrister may or may not do depends on the necessities of his occupation and the convenience of his clients. He follows a business and must conduct it on true business lines. Questions of etiquette are usually quite easily solved by the exercise of a little common sense.

The Provincial Trial of Divorce Cases.

WE HAVE noticed with interest a certain "liveliness" in the Press with respect to the failure of the Lord Chancellor, the Lord Chief Justice, and the President of the Divorce Division to give effect to the direction of Parliament that arrangements should be made for the trial of divorce cases in the provinces. Hitherto we have seemed to be almost alone in calling attention to this singular instance of judicial disobedience to the law. It may be that the provision made by the Administration of Justice Act, 1920, for this purpose was not the best that could be devised, but for the present purpose that is immaterial. The Bill, as is well known, was passed by the House of Commons, to which it had been sent by the House of Lords, in a desperate hurry. It was read a second time, considered in Committee, and read a third time and passed, all in a few minutes, at about 1 a.m. on 21st December, 1920. There were certain jury provisions in it which may have been urgent, but substantially the important clause was the first, which provided for provincial divorce jurisdiction. The clause, the Attorney-General explained, would not extend divorce, but would make it simpler, quicker, and cheaper to obtain. The House was so impressed with his urgency that it let the Bill go through, as we have stated, without debate. At the same time the Lord Chancellor was writing articles in *The Times* explaining, among other things, how he proposed to put the new provision into operation. But something went wrong in his calculations. Even a Lord Chancellor is not all-powerful. He has other people to reckon with. Who is actually responsible for this failure to obey the statute we do not know, but clearly it was for the Lord Chancellor and his two colleagues above mentioned to see that obedience was rendered. *The Times* of 27th December had a communication from a legal correspondent explaining why the scheme for trial at assizes had not been put into operation; but though the writer may have been successful in showing that the legislative scheme was a bad one, he could not show that Parliament ought to be ignored, for this is in fact what the guardians of the law have done.

The Character of Lord Jeffreys.

WE PRINT elsewhere an interesting letter from a correspondent, to whom we are greatly obliged, dealing with the question whether or not the notorious Lord JEFFREYS ever professed conversion to the Roman Catholic Religion. This is, of course, one of the doubtful points in the career of that famous legal adventurer; but, of course, as our correspondent points out, Lord JEFFREYS had not openly professed Roman tenets in 1685 when he was appointed. It was not until the following year that the King, by means of a collusive action, got his right to appoint Catholics to office under the Crown, by virtue of the Dispensing Power, partially recognized in the Courts. Whether JEFFREYS made the great apostacy or not is, therefore, an enigma—not the only enigma in his extraordinary character and career. JEFFREYS, by the way, was one of the youngest of Chancellors; his birth date—like all else concerning him—is doubtful, but must have been some date about 1640. CAMPBELL doubts whether he ever

was called to the Bar at all, and suggests that, in the confusion of the Restoration, he boldly put on a gown without legal right and proceeded to practise in the City courts—then a more lucrative source of practice than now. Be this as it may, he commenced life as an ardent Puritan and in that capacity obtained his first appointment as Recorder of London; we believe, by the way, that he is the only Recorder of London who ever has become either Chief Justice or Chancellor. His remarkably pungent wit and audacity in the City Court won him a reputation, and to this he probably owed his rapid advancement. But his biographers agree that his appointment as Chief Justice, in the reign of CHARLES II, was due to the patronage of the Duke of York (afterwards JAMES II), and it is very difficult to believe that JAMES would have become the acknowledged patron of a man, once famous as a Puritan, unless he had strong private reasons for believing in his secret willingness to become a convert to the tenets of Rome. It is notorious that nearly all the favourites of JAMES were Protestants who had expressed a private willingness to change their religion; some of them afterwards did so publicly, whereas others did not implement their obligations. There the matter must be left, so far as JEFFREYS is concerned.

Lord Jeffreys as a Judge.

IT HAS often been pointed out—by Lord CAMPBELL amongst others—that, whenever JEFFREYS sat as Chancellor or in civil cases, his recorded judgments are remarkably liberal in sentiment. The inference always drawn, and perhaps correctly, is that he was naturally a man of very enlightened views, but that the temptation of royal patronage led him to dissemble these in political matters, and even to assume the part of a bigot. His cruelty in the "Bloody Assizes," and afterwards in the persecution of BAXTER and other Dissenters, is a matter of history. But his reputation as a great wit and a delightful conversationalist has also survived, notwithstanding the unwillingness of all parties to see any good in one who had betrayed each in turn, and done acts which no one defended after the fall of JAMES II. Curiously enough, his portrait in the National Gallery is that of a refined and intellectual man, very unlike his sinister reputation. The late Mr. CHURTON COLLINS used to tell a story about this. One day he took a party of ladies round the Gallery; all stopped and admired the portrait of JEFFREYS, from which the name had been temporarily removed for some purpose of re-cataloguing. His charm, his refinement, his humanity, his intellectuality, his spirituality—these were admired by all. Who, they asked, is this interesting cavalier? But, on learning his name, and re-gazing at the portrait, each lady soon changed her opinion. She saw in the mouth signs of cruelty, in the cheeks signs of lust and depravity, in the eye treachery, in the brow impudent bigotry; in fact, the countenance soon grew wholly sinister! Such is the effect, in our interpretation of the life of any historical personage, which our pre-judgment as to his character nearly always creates.

Ejectment in Magisterial Courts.

MAGISTRATES have no power to make orders of ejectment against trespassers; their only power is to make orders against tenants of small tenements for the recovery of possession by the landlords under the Small Tenements Recovery Act, 1838. Proceedings to eject a non-tenant in such cases, therefore, are misconceived. An instance occurred in the Marylebone police court this week, when the Countess of Stafford applied for an order of ejectment against an ex-chauffeur occupying rooms over her garage (*Times*, 3rd January). He had occupied the rooms as part of his employment, and paid no rent: his employment had now been terminated. In such a case the chauffeur is not a tenant, and the proper remedy against him is an action for ejectment under s. 59 of the County Court Act, 1888. But, in pointing this out, the learned magistrate, Mr. D'EYNCOURT, if he is properly reported, went on to make an incorrect statement of law to the applicant. He stated that she "could put the man out of the rooms at any moment." This overlooks the Statute of Richard II, forbidding "Forcible entry," upon land or houses, even when occupied by a trespasser.

The Reform of Crown Procedure.

FROM a notice which we print elsewhere, it will be seen that the Lord Chancellor and the Attorney-General have appointed a Committee, of which the Attorney-General will be chairman, "to consider the position of the Crown as litigant, and to make such proposals for the modification of the existing law upon the subject as may best conduce to efficiency and economy, with due regard to the special necessity for safeguarding the collection of the revenue." From the terms of the reference it would hardly be supposed that this Committee is the outcome of protests which have been made for many years in the interest of the subject. The main objection to the present system is that it is oppressive, and it would have been proper for the Lord Chancellor to recognize this in framing the reference. Efficiency and economy are excellent things, and if these are considered by the Committee to connote simplicity of procedure and equality in litigation between Crown and subject, its labours may have a useful result. The gloss we have added contains, however, the substance of the matter, and unless a real simplification and equality are to be introduced the Committee will waste their labour. The equality we desiderate requires that the special necessity for safeguarding the collection of the revenue shall be balanced by the special necessity of saving the subject from oppressive procedure.

We do not propose to go back into the history of Crown procedure. It dates from a time when the Crown was able to twist the law to its own purposes, and when it was able to reject strict legal liability altogether. The subject with a good claim against the Crown cannot use the ordinary procedure between subject and subject, but must make his claim by petition of right. The Crown with a claim to land in the possession of the subject is not restricted to the ordinary procedure for recovery of possession, but can make its claim by English information, a procedure which is little removed from the old bill in Chancery, a procedure years ago recognized to be intolerable. The subject with a claim to return of taxes improperly levied may have a means of enforcing his claim, but whether by mandamus or by what other procedure, he will find it difficult to get any certain advice. These are only some of the cases in which the subject is placed at a disadvantage in disputes with the Crown.

It is not often that judicial protest has been made against this state of things. A hundred years ago WOOD, B., in *Attorney-General to Prince of Wales* v. *St. Aubyn* (Wight. p. 216) called attention to the oppressive nature of an English information; that is, a suit on the equity side of the Exchequer in which the Crown sought to avail itself of the inquisitorial nature of equity procedure to deprive the subject of his defence at law; in particular, it could compel the subject to state his title on oath instead of having to rely, as in an ordinary case, on proof of its own title. The oppressive nature of the proceeding was fully explained by the late Mr. STUART MOORE in his "Law of the Foreshore" (p. 614). But, as we have said, we do not propose at present to go into the history of the procedure, and fortunately there is plenty of recent matter to enforce on the Committee the need of thorough reform in the interest of the subject. We refer in particular to the evidence given by Mr. BREMNER before the Income Tax Commission; to the remarks on Crown Procedure made by Mr. CHARLES H. MORTON in his presidential address at the Liverpool Meeting of the Law Society in 1920, and to the paper by Mr. JOHN PAXTON, of Liverpool, on "Legal Procedure in Litigation between Crown and Subject," which was read at the same meeting. Mr. BREMNER'S evidence is summarized in 64 SOL. J. (p. 305), and the address and paper are printed in 65 *ibid.* (pp. 11, 62).

Mr. BREMNER gave evidence before the Income Tax Commission on behalf of the Bar Council, and as regards claims to repayment of income tax, he was emphatic that all special procedure, such as petition of right and mandamus, should be swept away, and that any person entitled to repayment should be at liberty to enforce his right by summons calling on the Inland Revenue

Commissioners to make repayment. In this way, he said, much time and cost would be saved. No doubt the Committee just appointed will see that this makes for efficiency and economy, and will take the same view. Mr. MORTON, in the address to which we have referred, made more effectively some of the points we have noted above—the difficulties of petition of right: in particular, that it requires the fiat of the Attorney-General; the oppressive nature of English information; and the cumbrous and inconvenient procedure prescribed by the Crown Suits Act, 1865, for enforcing payment of duties and taxes. Disputes as to death duties generally involve the construction of wills and settlements, and the appropriate procedure for settling them, Mr. MORTON pointed out, was an originating summons in the Chancery Division; in effect agreeing with Mr. BREMNER. The present process, both in litigation by and against the Crown, was, he said, circuitous, costly, unsatisfactory, and in certain cases oppressive, and it was astonishing that it had survived so long. He also intimated that some years ago the Associated Provincial Law Societies brought the matter to the notice of the Council of the Law Society, and the appointment of the present Committee may probably be traced back to this as its source. It would take us beyond the scope of the present article to state the points made by Mr. PAXTON in his paper. Taking the *De Keyser Case* as his starting point, he gave a well-balanced account of Crown procedure in its various forms, and explained why, though open to grave objection, it had not in practice proved so oppressive as might have been expected. He referred to the judgment of Lord PHILLIMORE, then PHILLIMORE, J., in *Graham* v. *Commissioners of Public Works* (1901, 2 K.B. 781) as showing how a Government Department could, in certain cases, be made subject by ordinary procedure to at least a declaratory judgment, and he admitted that the special Crown procedure might have had a beneficial effect in saving the Crown from the adverse sympathies of juries. Still, even with a jury, the Crown is probably in a better position than a railway company would be. As we have said, Mr. PAXTON's paper was well-balanced, and it will, no doubt, receive the attention of the Committee as the most careful argument on the subject which has appeared. It may be too much to expect that the Committee will deprive the Crown altogether of its privileged position as a litigant, but, as we said at the outset, equality and simplicity are the matters to be aimed at, and the success of the Committee will depend upon how near it attains to these aims.

Negligence in the Nature of a Trap.

THE House of Lords has just delivered, in *Glasgow Corporation* v. *Taylor* (38 Times L.R., 102), what may be regarded as a judgment of first-rate importance in connection with the law of negligence. It has long been accepted law that the owner or occupier of premises owes to persons using those premises a duty to safeguard them against perils, or warn them against their existence, the failure to perform which amounts to actionable negligence should injury actually result which can be directly imputed to such omission of duty. It is equally well settled that the standard of duty is not the same towards all persons; the occupier is not bound, like the Apostle PAUL, to be "all things to all men." His duty towards a trespasser is very low: he must abstain from setting man-traps or spring-guns or doing other acts deliberately calculated to inflict upon such wrongdoers injuries not permitted by law: *Bird* v. *Holbrook* (1828, 4 Bing., 628). Towards a bare licensee, whom he permits, but does not invite, to use his premises, the standard is somewhat higher; he must warn him of any concealed danger and must not expose him to injury by dangerous animals: *Lowery* v. *Walker* (1911, A.C. 10); but is not bound to protect him against patent sources of danger. Towards a person whom he invites to use his premises, however, whether for business or as a guest, and whether directly or indirectly, his obligations are more severe; he must warn him of all concealed dangers and must safeguard him even from patent ones, where such safeguarding is reasonably necessary: *Indermaur* v. *Dames* (1866, L.R. 1 C.P., 285 *et seq.*). Such is the rising standard of his obligations towards trespasser, licensee, and invitee or guest respectively.

All this has long been well-accepted law. But from time to time exceptional cases have arisen which it has not been easy to bring within any of the above three well-defined categories. In such cases much discussion has arisen as to the principle involved. The commonest, and at the same time the most obscure of all these exceptional cases, is that of the child who is injured on a neighbour's property under circumstances in which no duty would be owed to an adult and no liability incurred. This class of case has arisen again and again; we propose in a moment to review the leading decisions. The result is that two schools exist as to the nature of the occupier's liability towards children. One school exists which puts children into a special class, additional to trespassers, licensees and invitees, and holds that a special obligation exists towards children. The occupier of premises, or other owner of dangerous property, so runs this doctrine, must so look after his premises or property that a child cannot reasonably get access to it and injure himself by it. This holds good whether the child is a trespasser or an authorized user of the premises. In other words, children, owing to feebleness of mind, are a special class to whom a quite special duty is undertaken. This appears to be the view first expressed by Chief Justice COCKBURN in *Clark* v. *Chambers* (3 Q.B.D. 327), and more recently emphasized in the somewhat notorious decision of the House of Lords in *Cooke* v. *Midland Great Western Railway Co. of Ireland* (1909, A.C. 229). But the rule was never accepted by the more logical jurists, and in *Latham* v. *Johnson* (1913, 1 K.B. 398), Lord SUMNER delivered in the Court of Appeal a powerful judgment in condemnation of any such principle.

The second view as to the liability where children are concerned is that ably expressed by Lord SUMNER in the case just quoted. According to this view, the liability of an occupier towards children is precisely the same in principle as it is towards anyone else. The only difference is this. The occupier of premises must discharge faithfully his duty, of varying standards, towards trespassers and licensees and invitees, whether children or adults; but that duty includes an obligation to take reasonable precautions for the safety of each of those three classes, and the degree of care required, where children are concerned, and in fact shown by reasonable men, is higher than that where adults only are in question. In other words, an occupier, who has reason to believe that children, with the special weaknesses of children, will trespass or use or come as invitees upon his premises, must go out of his way to see that there is nothing on his premises which, while it would not be a stumbling block to an adult, yet in the special weakness of children's nature might very reasonably prove a source of danger to a child. In particular, he must remember three things, first, that children are given to play, secondly, that they are given to mischievous pranks, thirdly, that they are specially attracted by alluring objects which appear good to eat or otherwise enjoy; and, remembering this, he must see that children are not unreasonably exposed to such temptations on his premises. Moreover a child cannot as a rule be made liable for contributory negligence, where an adult would be debarred thereby.

Now the distinction between these two opposing principles is very important in practice. The first school, that of Lord Chief Justice COCKBURN, practically forces persons to keep at their peril any object which may attract, and thereby injure, a frolicsome child. The second school, that of Lord SUMNER, only imposes on occupiers of premises and owners of dangerous property, a duty to act "reasonably," and gives them protection against a child trespasser, although not to the same degree as against an adult trespasser. Thus in *Latham* v. *Johnson* (*supra*), a builder had left bricks and lime in a heap in an open field nearby where he was erecting a house. Some children playing with the stones, threw them at one another and injured themselves. According to Lord Chief Justice COCKBURN's doctrine, the builder

was liable for leaving about property which *might* prove dangerous to mischievous children. According to Lord SUMNER'S doctrine, he owed no duty to trespassers, whether adults or children, to fence his bricks, so that they could not interfere with them, and therefore he owed no duty to the children who chose to trespass on his field and illegally make free with his bricks. The second principle is obviously the common-sense and fair view; but until the case on which we are commenting, this had not been clearly recognised.

In *Clark* v. *Chambers* (*supra*), COCKBURN, L.C.J., said (at p. 339): "It appears to us that a man who leaves in a public place, along which persons, and among them children, have to pass, a dangerous machine which may be fatal to anyone who touches it, without any precaution against mischief, is not only guilty of negligence, but of negligence of a very reprehensible character, and not the less so because the imprudent and unauthorised act of another may be necessary to realise the mischief to which the unlawful act or negligence of the defendant has given occasion." This is a very extreme doctrine, even though qualified by "in a public place." The chief case on which COCKBURN, L.C.J., based his view was *Lynch* v. *Nurdin* (1Q.B.29), in which a cart had been left unattended, with the result that boys played with it and hurt themselves. But in such a case there exists an element of unlawfulness, apart from negligence, in leaving a cart unattended in a public place at all. Such an act is at least an inchoate act of public nuisance, which only requires some continuity of the obstruction to become not merely an unlawful, but a criminal act. The extension of the doctrine laid down in such a case to others where the property is not left unattended "in a public place," so that no element of "obstruction" or "public nuisance" can possibly arise seems a daring leap of an illogical kind. Yet such illogical extension was certainly made in *Cook* v. *Midland Railway Co.* (*supra*). There a railway company had on its line and near a highway, a turntable which was necessarily left unattended. Some trespassing boys played with the turntable and hurt themselves. The company was held liable to them in damages for negligence.

How did the House of Lords contrive to arrive at the somewhat startling result they achieved in *Cook* v. *Midland Railway* (*supra*)? The answer can but be drawn from two passages in their judgments quoted in the present case, *Glasgow Corporation* v. *Taylor* (38 *Times* L.R., at p. 105). "I think there was evidence," said Lord COLLINS, "that the turntable, fastened as it was only by a bolt so easily withdrawn, was a dangerous thing for young children to play with, and that the defendants, as reasonable men, ought to have known it; and that, situated as it was in such a conspicuous place, and frequented so largely by young people without remonstrance from the defendants, with easy access . . . .through a gap in the hedge . . . , it could hardly fail to present an irresistible attraction to young persons." And Lord ATKINSON likewise said, "I think there was evidence proper to be submitted to the jury that the children living in the neighbourhood . . . . not only entered upon it, but also played upon the turntable—a most important addition—with the leave and license of the defendant company." In other words, the House of Lords arrived at this strange doctrine of reasonable duty by putting on the evidence an absurd construction, obviously untrue, and inferring that children were permitted to trespass and play upon the turntable—merely because a harassed company could not always succeed in preventing the innumerable possible forms of mischief which children can construct against such necessarily insufficiently protected premises as a railway line. The result is that *Cook* v. *Midland Railway Co.* is too artificial a case to have been generally accepted or followed. In similar cases the courts have usually contrived to distinguish it or explain it away.

But in *Glasgow Corporation* v. *Taylor* (*supra*), the question has arisen in a neat form on an intelligible set of facts where no strained inferences are necessary. Here the Corporation were owners and occupiers of a public park. It contained among other plants certain berries of an attractive appearance but poisonous. These berries were in a spot preserved as a Botanic Garden, but users of the park were not in fact forbidden by conspicuous notices to interfere with the shrubs. Now, the berries proved attractive to children; and a mischievous child in fact ate some berries with fatal results. The circumstances were such that, if a tortious liability existed, the child's parent was entitled to recover some damages by the Law of Scotland. So that the only question arose as to whether or not the Corporation had discharged their duty to take reasonable precaution for safeguarding licensees (*i.e.*, members of the public using the park) from coming to harm. The House of Lords held that this duty had not been discharged, for reasonable men must have foreseen that children would use the park and be tempted by the berries, and that notices should have been posted warning such children. That being so, steps should have been taken to eliminate poisonous berries of an alluring kind from parts of the park to which children had ready access. This is a simple and intelligible doctrine. It lays down no principle in the case of children not applicable to adults; it merely holds that something may be a danger to children which would be a danger to the wiser heads of adults. The absence of notices pointing out the poisonous character of the berries seems clearly an act of negligence, since children could not be expected to appreciate the danger of eating unknown berries. "Contributory negligence," too, cannot be alleged against a young child.

In these circumstances the House re-stated with approval the rule laid down by Lord SUMNER in *Latham* v. *Johnson* (1913, 1 K.B. at p. 416). "The presence," Lord SUMNER there says, "in a frequented place of some object of attraction, tempting a child to meddle where he ought to abstain, may well constitute a trap, and in the case of a child too young to be capable of contributory negligence it may impose full liability on the owner or occupier if he ought, as a reasonable man, to have anticipated the presence of the child and the attractiveness and peril of the object."

The doctrine laid down in the last paragraph, and accepted generally by the House of Lords, places the whole principle on a very simple and intelligible footing. The liability of the occupier in such a case is for "a trap" laid or left for a "licensee." An adult falling into this "trap" could not recover damages because of two rules of law: first, his contributory negligence in walking into it with his eyes open, and, second, his wrongful conduct in taking the berries, which would make him a "trespasser" *ab initio*, and deprive him of the protection accorded to a "licensee." But a child is not affected by either of these estoppels; he is too young to be guilty of contributory negligence or of "trespass" *ab initio*. Therefore he is entitled to recover where the adult would be disentitled by defences that do not affect a child. This is a simple and consistent principle in harmony with the general doctrine as to "negligence," and it is to be hoped that the rule thus stated will be hereafter consistently recognised and followed.

The Land Laws of the United States.

WHILE English conveyancers are usually familiar with the system of land law which prevails in most of our own colonies—at least, those in which the English Common Law is found as distinguished from Roman-Dutch Law or the Code Napoleon, very little is usually known in this country as to the mode of tenure and the methods of transfer of property found in the United States. We have even known well-informed English practitioners inquire whether American land is held of the Republic or of the President for the time being, and an American lawyer once told us that his firm, practising in New York, had received instructions from an English firm of solicitors, their correspondents, to institute a search "in the Register of Titles at Washington," as to the ownership of an estate in Texas! These are extreme instances, of course, but they indicate clearly a very common haziness of ideas as to the origin of American titles to land. We hope to make a little clearer to the average practitioner the main lines of a very intricate subject.

To begin with, prior to the Declaration of Independence and its acknowledgment by this country in 1782, it may be regarded as accepted law that the Crown was Lord Paramount of all land in the Thirteen Colonies. In some colonies, *e.g.*, Pennsylvania and Delaware, which were proprietary colonies, the owners of which had purchased the Indian titles from their savage owners, the whole land of the colony was treated as one manor and granted by the Royal Charter constituting the colony to the proprietary body. These then conveyed freehold interests to settlers; copyholds were unknown. Elsewhere the King usually created manors in favour of a number of large proprietors; the land was not vested in the Governing Body of the Colony except only in rare cases. In New England there were no manors, but the King was regarded as Lord of the Manor of every freehold, although his rights as such were purely nominal. In New York, which had been conquered from the Dutch, a peculiar state of affairs existed. Roman-Dutch Law recognised only allodial titles, not feudal titles. In fact the Colony had belonged to a Dutch Chartered Company, that of the "Indies, west and east," which owned likewise Guiana, the Cape of Good Hope, Ceylon, and Java. The Company made no attempt to plant settlers on the soil, for it was a trading company and wanted only to erect garrisons and trading posts for the fur and other branches of Indian trade. But each Governor got into the habit of appropriating a vast area of surveyed land, often about one million acres, upon which he settled ex-officers and ex-soldiers who had served in the garrisons, and whose time was up: these settlers were his tenants. Since a Governor usually remained only three years, the number of ex-Governors' estates grew rapidly; they absorbed the whole surveyed land: their owners were known as the "Padroons" of New York, and their descendants formed the famous oligarchy of "Knickerbocker Families," of whom Fenimore Cooper has written with sympathy in some of his less well-known novels, and who only disappeared with the triumph of "Jeffersonian Democracy" in 1800. At the Dutch Conquest the "Padroons" were confirmed in these possessions which were treated as equivalent to manors, and the Courts gradually recognised in them all the incidents of Manorial Rights—a violation of the time-honoured British tendency to respect the local laws of a conquered territory. But in 1666, when New York was annexed, no one in England knew enough about Roman-Dutch Law to appreciate its system of land-titles.

In 1782, however, a difficulty arose. The King ceased to be a part of the Constitution. Each State achieved its independence and entered into what was then intended to be a somewhat loose Federal Union. What was to become of the King's rights to the land as Feudal Lord Paramount? The logical result would have been to vest them in each State, as sovereign within its boundaries. But to this the Federalist party, led by Alexander Hamilton, was strongly opposed; they preferred that the title should be vested in the Republic. In the end, the matter was compromised by refusing to recognise any superior at all to the actual freeholders, or Lords of the Manors, who might happen to hold the land. The result is that the feudal tenures vanished automatically, and that in the Thirteen States all titles became "allodial," *i.e.*, vested absolutely in the freeholder and not in any Sovereign Body.

But difficulty arose as regards land in the "Hinterland," behind each State. At first, each State claimed to be freeholder of its own "Hinterland," stretching as far as the Pacific, if need be. But the "Hinterlands" clashed with one another and the situation became intolerable. Hamilton, with his usual genius for solving immediate questions on large statesmanlike lines, contrived to negotiate a compromise. For a wonder he persuaded everyone of the Thirteen Sovereign States to accept it. In consideration of mutual release of all the others, each assented to a scheme transferring to the disposal of Congress its own "Hinterland." Thus, as the transferee of the thirteen separate States, Congress became possessed of the whole Hinterland of North America, to be known as the "National Domain," and to be disposed of in accordance with provisions in the scheme of transfer. Later on, a series of Statutes further regulated the disposal of "National Domain," and they are in operation to this day.

The result is that, as the country grew and New Territories were formed, ultimately to become Sovereign States, the land of each New Territory or State was not vested in it at all. Nor had it any control over such lands. It was vested in Congress and disposed of by Congress in accordance with a uniform policy pursued in just the same way in every section of the vast continent at their disposal. Congress disposed of the lands in five ways:—

(1) *Indian Reserves.*—These were retained as the common property of Indian Tribes, where no white man could own land or settle as a squatter.

(2) *National Parks and Forests.*—These were not at first important, but towards the end of the Nineteenth century the Department of Agriculture set up a great sub-department, the Conservatory of Forests, for the purpose of controlling and preserving a number of forest areas in various parts of the West. Theodore Roosevelt deserves the credit of having pushed through this useful measure.

(3) *School Lands.*—The whole land in each New Territory was surveyed and divided up into "counties." Each county was divided into "townships." Each "township" was divided into sections of 640 acres each. A certain proportion of the sections in each township was bestowed on the local education authority of the township as an endowment for education, the substitute of our English Education Rate.

(4) *Road and Railway Grants.*—A quarter section deep on each side of any new main road was offered to every undertaker who would build a suitable road. This policy had very little success until railways came in about the 'forties. Then the railroad corporations eagerly claimed their "quarter sections," and some recouped themselves out of these for the expenses of building their lines.

(5) *Settlers' Homesteads.*—Every citizen of full age was entitled to a free quarter-section (160 acres) of the "National Domain" in some part of the States. This, called his "Homestead," cannot as a rule be alienated or forfeited in bankruptcy; but in certain cases a married citizen can sell with his wife's concurrence. The statutory amount granted to each citizen has varied from time to time. For example, during the race between Americans and Canadians in the early 'forties to occupy Oregon, Congress passed a statute granting 640 acres there free to American settlers: but this Act was disallowed by the President under pressure from Palmerston, who claimed the soil of Oregon as British, and intimated that Congressional disposal of it would be deemed "an unfriendly act."

The net result of all this is that, in the United States, land is either "allodial" *i.e.* the absolute property of a private owner, or else is "National Domain" *i.e.* land not yet granted away by the Congressional Government, but which becomes "allodial" on being acquired by an individual or a corporation. At first sight one might have expected Congress to provide for the Registration of Titles in 1782, when it granted out the "National Domain." But this was not then done. The first grantee was registered as owner of the fee simple, but subsequent owners acquired from him by conveyance, and his certificate is the root of their title. Indeed, it has always been possible to acquire a title in "Domain" lands by occupation and prescription—a squatter's title. A number of States, however, have introduced Registration of Title into their own State: for this is a matter within the competence of each State Legislature, and (probably) outside the legislative competence of Congress. It is the modern practice in America for the American Bar Association to appoint committees who draft "Model Statutes" in various branches of law, which are recommended to every State, and in practice are sooner or later almost universally accepted and enacted. In this way the Statute Law of America is gradually becoming quite surprisingly uniform in all non-controversial matters. Similar Statutes, in matters relating to land tenure and registry of title, are now in force in the great majority of the American States.

Res Judicatæ.

Liquidators and the Assignment of Leases.

(*Re Farrow's Bank, Ltd.*, 1921, 2 Ch. 164, C.A.)

It has been settled for over a hundred years that a covenant against assigning leaseholds only extends to voluntary assignments, and does not bind the trustee in bankruptcy of the lessee: *Doe* v. *Bevan* (1815, 3 M. & S. 353). The reason is that the trustee is under an obligation to realise the lease for the benefit of creditors, and the covenant, if it mentions only "assigns," is construed so as not to interfere with this obligation. In principle the rule should apply to an assignment by the liquidator of a limited liability company, who is equally under an obligation to realise the assets, and to this extent the decision of Neville, J., in *Re Birkbeck Building Society* (1913, 2 Ch. 34) may seem in favour of the rule. But in that case, where an assignment of a policy of insurance was in question, there had been an actual vesting of the policy in the liquidator of the building society, and hence the case was analogous to *Doe* v. *Bevan*. The mere winding up of a company, however, does not have the effect of vesting the assets in the liquidator. They remain vested in the company and hence it was held in *Re Farrow's Bank, Ltd.* (*supra*) that an assignment in the liquidation is subject to the restriction of the covenant.

Annuities "Clear of Income Tax."

(*Re Peck's Settlement*, 1921, 2 Ch. 237.)

Under the Income Tax Acts a person who is liable to pay an annuity is entitled to deduct income tax, and under the present provision (r. 23 (1) of the All Schedules Rules in the Act of 1918) "every agreement for payment of interest, rent, or other annual payment in full without allowing any such deduction is void." Hence an annuity "clear of income tax" cannot be created by a settlement *inter vivos* (see *Re Cain's Settlement*, 1919, 2 Ch. 364) without some special device; and even in a will, a direction for payment of a "clear annuity" will usually leave the annuitant to bear his own income tax: *Re Loveless* (1918, 2 Ch. 1, C.A.). In either case, however, this result depends on the manner in which the annuity is created. A testator can by his will direct that an annuity shall be clear of "income tax," and similarly by a settlement an annuity free from income tax can be created by apt means. Thus, if income tax is directed to be first paid on the whole income, and the annuity given out of the residue free from deduction of income tax, this will have the intended effect: *Brooke* v. *Price* (1917, A.C. 115). But a covenant in a deed made on dissolution of marriage for payment of an annuity free of income tax, without any such special device, will fall within the statute, and will be void as regards the obligation to pay free of tax: *Blount* v. *Blount* (1916, 1 K.B. 230); and this decision was followed by Eve, J., in *Re Peck's Settlement* (*supra*); and a covenant to make up any deficiency in the annuity was also held to be void so far as the deficiency resulted from deduction of income tax.

Disqualification under Contract with a Local Authority.

(*Holden* v. *Southwark Corporation*, 1921, 1 Ch. 550.)

The point of Local Government Law which Mr. Justice Astbury decided in *Holden* v. *Southwark Corporation* (*supra*), is enormously important in everyday life; but one is astonished that it should have now arisen for the first time. Possibly the reporters have always refused to report it on previous occasions as being too obvious—a dangerous principle to adopt. Section 46 (1) (*e*) of the Local Government Act, 1894, disqualifies a person from membership of a district council "if he is concerned in any bargain or contract entered into with the Council . . . or participates in the profits of any such bargain or contract." This provision is a fruitful source of difficulty, since in terms, if construed literally, it would disqualify almost every householder and resident in any area—for such a person gets his water, or his gas, from the council in nine cases out of ten, or rides in a council tramcar, or otherwise enters into casual "contracts" with a council in these days of widespread municipal trading activity. Such casual and evanescent "contracts," however, have been held to be outside the scope of the Act: *Nutton* v. *Wilson* (1889, 22 Q.B.D. 744). A much more difficult question, which will probably arise some day in an authoritative form, affects the position of a councillor who occupies as tenant a municipally-owned house; but probably he would be excluded on the ground that "tenancy" is not the kind of contractual bargain contemplated by the Act. What, however, is the position of a landlord who enters into a rate-compounding agreement with the council under s. 3 of the Poor Rate Assessment and Collection Act, 1869? This was the problem before Mr. Justice Astbury. Probably, on principle, such a bargain is a "contract" hit by the statute, but the result of so holding would be a matter of the gravest inconvenience to the collection of rates, and his lordship felt himself at liberty to exclude it by extending the principle already suggested in *Nutton* v. *Wilson* (*supra*).

Negotiability of Cheques obtained by Fraud.

(*Banque Belge Pour L'Etranger* v. *Hambrouel*, 1921, 1 K.B. 321.)

There are still some unsettled points in the law of negotiable instruments; curiously enough, these generally relate to the position of bankers, a matter which one might have expected to have been long ago cleared up. An interesting example is afforded by the recent Court of Appeal decision in *Banque Belge Pour L'Etranger* v. *Hambrouel* (*supra*). Here a clerk obtained by fraud a number of cheques drawn by his employer on his bank. The cheques had been issued, so that in the hands of a holder in due course, the latter would have been protected. The clerk, however, did not negotiate them to a *bonâ fide* holder; on the contrary, he gave them to his mistress, and the consideration, if any, was illegal. She paid them into her account with her bankers, who credited her with the value, and duly obtained clearance of the cheques through the Clearing House. Now, in these circumstances, it is clear that the woman herself had no enforceable title to the cheques; but, had she negotiated them to a holder in due course, the latter, taking a negotiable instrument for value, and without notice of fraud, would have been protected. Her bank, in fact, took the cheques and credited her with their value. This rather looks as if the bank became a holder in due course and therefore protected. Probably had the point arisen, and had an attempt been made to render the bank personally liable, the court would have so held. As it was, however, the plaintiff bank (that of the defrauded employer) contented itself with suing the defendant bank (as a nominal party) and the woman for a declaration that the money in her account—being the proceeds of the fraudulently obtained cheque—was their property, and should be paid out to them. The defendant bank did not oppose this, but paid the money into court and were, in due course, dismissed from the action. The question which the court had to consider, thereupon, resolved itself into this. The plaintiff bank has a right in equity to follow the proceeds of the fraud into any recognisable fund belonging to the person who has committed the fraud, or anyone who has received the proceeds from him without good consideration: *Taylor* v. *Plumer* (1815, 3 M. & S. 562); *Re Hallett's Estate* (1880, 13 Ch. D. 696). Does this right enable him to bring an action *at law* against the bankers and their customers who hold those proceeds for money had and received? The court held that it does. It will be recollected that the old *Indebitatus* common count for "Money had and received," has often been held an appropriate form of action for recovery at law of moneys due in equity: *Miller* v. *Race* (1791, 1 Burr. 452), and this principle was applied here.

Review.

Winding-up.

COMPANY PRECEDENTS FOR USE IN RELATION TO COMPANIES SUBJECT TO THE COMPANIES ACTS, 1908 to 1917. Part II. Winding-up Forms and Practice. With copious notes, and an Appendix containing Acts and Rules. By Sir FRANCIS BEAUFORT PALMER, Bencher of the Inner Temple. Twelfth edition by ALFRED F. TOPHAM, LL.M., Barrister-at-Law, assisted by LIONEL L. COHEN, M.A., and ALFRED R. TAYLOUR, B.A., Barristers-at-Law. Stevens & Sons, Ltd. £3 net.

The learned editor of the present edition of the standard work on winding-up states, in the preface, that he has taken the responsibility of making important changes. He found that very many of the forms were made by the Vice-Chancellors over forty years ago, and while in recent editions new forms have been added, all the old forms have been allowed to remain, though many of them have not been in use for a very long time. A number of the old forms have, accordingly, been omitted from the present edition, care being taken to retain all the forms which may still be of practical use. For the purpose of this improvement the records of the Winding-up Office have been made available by Mr. Registrar Stiebel, and he has himself assisted in finding forms and supplying information as to the present practice.

The development of company undertakings has been so great in the last half century, and such a large number of them have come to an end by winding-up, either compulsory or voluntary, that it is not surprising to find the practice occupying a volume of some 1,400 pages, including the Appendix of Statutes and Rules and Practice Directions, and a full index. To a large extent the numerous forms of orders account for the size of the book; but the practitioner will find a great many disquisitions upon particular matters—such as the position, powers and duties of liquidators, at pp. 291 *et seq.*, and costs, at pp. 733 *et seq.*—and throughout the work the relevant statutory provisions and rules are introduced and commented on in their appropriate places. A matter about which further information would be useful is the position of debenture-holders' actions after a winding-up order has been made. It is well known to practitioners that such an action then pending is, without further order, transferred to the winding-up judge. This is under r. 42 of the Rules of 1909, which is given both at p. 514 and p. 654; but the transfer does not appear to have the effect of amalgamating the action with the winding-up, so that applications in the action may be thenceforth made in the winding-up, and in this respect there appears to be a lack of co-ordination. The work is more essentially one of detail, rather than of the discussion of principles, and its successful use requires diligence and judgment, but assistance is given in the introductory chapter and Chapter I on Jurisdiction. The present edition will maintain the reputation of this part of the late Sir Francis Palmer's great Trilogy.

Books of the Week.

Constitutional Law.—Outlines of Constitutional Law, with Notes on Legal History. By DALZELL CHALMERS, B.A., and CYRIL ASQUITH, Barristers-at-Law. Sweet & Maxwell, Ltd. 12s. 6d. net.

"Law Notes" Year Book.—An Alphabetical Digest of the Statutes, Rules, Orders and Cases of the year 1921. By the EDITORS of "Law Notes."—"Law Notes" Publishing Office. 4s. 6d. net.

Diary.—Smith's County Court Diary, 1922. Specially adapted for the use of the Officers and Practitioners of the Courts. 75th year of publication. Hazell, Watson & Viney, Ltd. 7s. 6d. net.

Forensic Medicine.—Aids to Forensic Medicine and Toxicology. By W. G. AITCHISON ROBERTSON, M.D., D.Sc., F.R.C.P.E. 9th Edition. 20th thousand. Baillière, Tindall & Cox. 3s. 6d. net.

CASES OF LAST SITTINGS.

House of Lords.

BRITISH THOMSON-HOUSTON CO. *v.* CORONA LAMP WORKS, LTD. 19th December.

PATENT—SUBJECT MATTER—INSUFFICIENCY OF SPECIFICATION—AMBIT OF CLAIM—INFRINGEMENT—VALIDITY OF PATENT.

In an action for infringement of the "half-watt" lamp, the defendants disputed the validity of the patent on the ground of want of subject matter and of vagueness of specification. The Court of Appeal held that there was good subject matter but that the specification was insufficient. The plaintiffs appealed to the House of Lords.

Held, allowing the appeal, that there was ample subject matter, and that there was no vagueness or ambiguity in the specification.

This was an appeal from a decision of the Court of Appeal (37 R.P.C. 277) affirming the decision of Sargant, J. The appeal raised the question as to the validity of a patent for an electric lamp in which the filament incandesced in an atmosphere of gas or vapour of low heat conductively instead of in a vacuum. The first claim of the specification was as follows:—An incandescent electric lamp having a filament of tungsten or other refractory metal of large diameter or cross-section or of concentrated form and a gas or vapour of low heat conductivity at relatively high pressure, the combination being such that the filament may be raised to a much higher temperature than is practicable in a vacuum lamp without prohibitive vaporisation or deterioration or excessive shortening of useful life. The invention was admittedly of great commercial utility, and was said to have effected a revolution in the electric lamp industry. The action was brought by the appellants as owners of the patent against the respondents for infringement. The infringement was not contested, but the respondents disputed the validity on the grounds of want of subject matter and vagueness in the specification, particular objection being taken to the vagueness of the word "large."

Their Lordships (Lord HALDANE, Lord CAVE, Lord FINLAY, Lord DUNEDIN and Lord SHAW) were of opinion, agreeing upon this point with the courts below, that there was ample subject matter and reversing the decision of the courts below, that there was no vagueness or ambiguity in the specification.

Lord HALDANE said it was contended that the specification was fatally afflicted with indefiniteness. In the light of the directions given in the body of the specification, he thought that there was claimed merely what had been already adequately. That was no mere abstract principle but a process of manufacture capable of being at once put into operation by any experienced electric lampmaker, with such adaptations as his commercial requirements and standards suggested. To put it into opetation required no new inventive capacity, and it would have been inconsistent with the generality of the explanation given to have inserted a definition of the word "large" otherwise than relatively to current practice. Such a definition, if attempted, would have limited unnecessarily the ground over the whole of which the new method was to be made operative. The principle and its working in practice need not be distinguished here in the way which was required when the discovery was of some merely particular kind. The appeal, therefore, should be allowed and judgment entered for the appellants.—COUNSEL, *Sir A. Colefax*, K.C., *Gray*, K.C., and *James Whitehead*; *Sir D. Kerly*, K.C., *Frost* and *Ewart Walker*. SOLICITORS, *Bristows, Cooke & Carpmael*; *H. C. Morris, Woolsey, Morris & Kennedy*.

[Reported by S. E. WILLIAMS, Barrister-at-Law.]

Court of Appeal.

THE GRAYGARTH. No. 1. 19th December.

SHIPPING—COLLISION—LIABILITY—BARGE TOWED BY TUG—BARGE IN COLLISION—IMPROPER NAVIGATION OF BARGE BY PERSONS ON TUG—LIMITATION OF LIABILITY—MERCHANT SHIPPING ACT, 1894 (57 & 58 Vict. c. 60), s. 503.

A steam tug was towing several barges, when one of them belonging to the same owners as the tug collided with another barge and sank her. In an action for damages for collision the judge held that the collision was occasioned by the default of the master and crew of the tug, and condemned the defendants, the owners of the tug and of the barge, in damages and costs. The defendants subsequently brought an action to limit their liability under s. 503 of the Merchant Shipping Act, 1894, to £8 per ton of the tonnage of the tug, which was the smaller vessel of the two.

Held (reversing the decision of Hill, J., 90 L.J., p. 65), that the collision was due to the improper navigation of the towed barge, although controlled by the navigation of the tug, by the owners' servants, and that the owners of the barge were liable to £8 per ton on the tonnage of the barge, and that the limitation action would therefore not lie.

Appeals from decisions of Hill, J. The facts were as follows. On 29th October, 1919, the tug "Graygarth" was towing the barge "Ran" in the Mersey, when the "Ran" came into collision with and sank the barge "Para." The "Ran" and the "Graygarth" belonged to the same owners, Messrs. Rea Limited. The owners of the "Para" and her cargo brought an action for damages against Messrs. Rea, as owners of the "Ran" and the court gave judgment in these terms: "I find fault on the part of the 'Graygarth,' and therefore, the owners of the 'Ran' being also the owners of the 'Graygarth' there must be judgment for the plaintiffs. . . ." The decree was as follows:—The judge doth pronounce the collision in question in this action to have been occasioned by the fault or default of the master and crew of the tug "Graygarth" which was towing the barge "Ran" and for the plaintiffs' claim for damages in consequence thereof; and doth condemn the said defendants, the owners of the said barge "Ran," in the said damage and costs. The defendants brought an action to limit their liability, under the terms of the Merchant Shipping Act, 1894, s. 503, to £8 a ton on the tonnage of the "Graygarth." The defendants in that action, the owners of the "Para" and her cargo, contended that the plaintiffs could only limit their liability to £8 a ton on the combined tonnage of the "Graygarth" and "Ran," or, alternatively, on the tonnage of the "Ran." It was stated that £8 a ton on the tonnage of the "Graygarth" would produce about £1,131; on the tonnage of the "Ran," which was an old dismasted steamer, the amount would be about £3,000, which was practically equal to the loss suffered by the sinking of the "Para." The owners of the "Para," plaintiffs in the collision and defendants in the limitation action, appealed in both actions. The Court allowed the appeal.

Lord STERNDALE, M.R., said that the defendants in the collision action as owners of the "Ran," could only be responsible if the "Ran" were improperly navigated, but they might also be liable as owners of the "Graygarth." The learned judge had found that the defendants' barge was not to blame in the sense that those who were on board her could not have prevented the collision. The court did not know who were on board her or what they were doing. The learned judge held the defendants responsible, but on the ground that they were the owners of the tug "Graygarth" and that the persons navigating the tug were their servants. It was meant as a judgment not *in rem*, but *in personam*. His lordship read the decree and said that, following on that, the defendants in that action began an action against the plaintiffs to limit their liability to £8 a ton of the "Graygarth," because, as they said, there was no finding of improper navigation by the "Ran." Certain admissions of fact were made. Those were that there was no personal negligence on the part of anybody on board the "Ran," that the barge and the tug belonged to the same owners, and that the control of the navigation of tug and barge was in the tug. In his (his lordship's) opinion the judgment given was wrong, and should have been given against the "Ran." In that event it would have been the "Ran" and not the "Graygarth" which was the ship in respect of which the liability was measured. "In all such cases," as Butt, J. said in *The Quickstep* (15 P.D., 196), "the real question is whether or not the relation of master and servant exists between the defendants, the owners of the vessel towed, and the persons in charge of the navigation of the steam tug. Unless that relation exists, considerations of expediency cannot avail to impose liability on the owners of the vessel in tow." Here the navigation of the tug controlled the navigation of the tow. In his opinion the tow was improperly navigated by the servants of the owners of the tow, although they might not have been in the tow at all. It was the tow which was the vessel improperly navigated. That was the result of the cases *The Umona* (1914, P. 141), and *The Devonshire* (1912, A.C. 634). It seemed only ordinary law and logic that if there was a vessel in tow being improperly navigated by one's servants, it did not matter whether those servants were in that vessel or not. The appeal in the collision action should be allowed. It followed from that that the action for the limitation of liability to £8 a ton of the "Graygarth" was one that would not lie, and must be dismissed with costs. The plaintiffs in the collision action would have the costs of both appeals and of the limitation action.

ATKIN, L.J., delivered judgment to the same effect, and YOUNGER, L.J., concurred.—COUNSEL: *Inskip*, K.C., and *J. B. Aspinall*; *Dunlop*, K.C., and *Lewis Noad*. SOLICITORS: *Weightman, Pedder & Co.*, Liverpool; *Collins, Robinson & Co.*, Liverpool.

[Reported by H. LANGFORD LEWIS, Barrister-at-Law.]

High Court—Chancery Division.

CANVEY ISLAND COMMISSIONERS *v.* PREEDY.
Eve, J. 8th December.

SEASHORE—REMOVAL OF SHINGLE FROM FORESHORE—RIPARIAN OWNER—POSSESSION—INJUNCTION.

The owner of the foreshore will be restrained from removing shingle which forms a natural barrier against the inroads of the sea even though the owner of the abutting land erects an artificial barrier behind the natural one formed by the foreshore itself.

Attorney-General *v.* Tomline (14 Ch. D. 58), *followed*.

This was an action for an injunction to restrain the defendant from removing and carrying away shingle and drift from the foreshore so as to expose the plaintiffs' premises to greater risk of inundation by the sea. In the year 1812 the predecessors in title of the plaintiffs, in exercise of their powers under an Act of 1792, substituted further inland a new wall for the pre-existing wall and paid to one Wilson, the then owner of the land on which the new wall was built, the sum of £150 in reasonable satisfaction. The defendant alleged that he was the owner in fee in possession of a strip of the land, formerly Wilson's, intervening between the two walls and having a frontage along the new wall of 100 feet, and he had removed and

carried away from the strip sand, shingle and other drift some three feet in depth, and he asserted his right to carry away all such drift even if such removal exposed the plaintiffs' land to greater risk of inundation by the sea.

EVE, J., the first question I have to decide is whether, assuming the strip to be the defendant's freehold, the plaintiffs are entitled to an injunction restraining him from removing drift. I think the answer to this question is to be found in the judgments in *Attorney-General* v. *Tomline* (14 Ch. D. 58). The defendant alleges, and it appears to me correctly, that the strip is foreshore. He is therefore, on the hypothesis upon which this part of my judgment proceeds, in the same position as Colonel Tomline was, that is to say, an owner of foreshore on which has been accumulated by the action of successive tides a natural barrier against the sea. This barrier he is claiming a right to remove, notwithstanding that by so doing he will expose the plaintiffs' land to greater risk of being inundated. No doubt there is a distinction between this and Tomline's case in that in the latter the drift constituted the only barrier between the incoming sea and the threatened land, whereas in this case the threatened premises are themselves a wall or drainage system erected as protective works, but I do not think this distinction is material. It cannot, in my opinion, be the law that the owner of the foreshore is relieved from his obligation not to destroy the natural barrier because the owner of the land abutting on the natural barrier takes the further precaution of erecting an artificial barrier behind the natural one formed by the foreshore itself. I think the concluding part of Lord Justice Cotton's judgment in Tomline's case is conclusive on this part of the case. It is true that a substantial part of the drift on the drift has been accumulated and retained there in consequence of the placing on the foreshore some twenty years ago, by some one other than the plaintiffs or defendant, of certain barrels full of cement. These have to some extent undoubtedly prevented the drift deposited by one tide from being withdrawn by a later tide, and it was argued that this again distinguishes this case from Tomline's. I do not think so. Groynes and artificial means to retain drift on the foreshore are of constant occurrence. Their presence often enables an accumulation to be maintained sufficient to afford adequate protection and at the same time leave a margin which can safely be removed for commercial purposes. I cannot treat the presence of these barrels as modifying the defendant's obligations towards the plaintiffs, and the result is that even if the defendant be in fact the owner in fee of the strip the plaintiffs are in my opinion entitled to the qualified injunction asked for. But the plaintiffs deny that the defendant has any interest as owner or otherwise in the strip, and, alleging that they are the owners thereof under a statutory title, they claim an injunction to restrain the defendant from removing any part of the drift and from otherwise trespassing on the strip. (His Lordship then considered the evidence as to the defendant's title and continued): On these facts the defendant bases a claim to be owner in fee of the strip. Such claim cannot in my opinion succeed. The title, such as it is, is expressly subject to the rights of the plaintiffs and cannot successfully be set up against the title they have established under the statute. The possession of the plaintiffs and of the defendant is at most doubtful or equivocal and in those circumstances the law attaches it to the title: *Jones* v. *Chapman* (2 Ex. 803), and *Ramsay* v. *Margrett* (1894, 2 Q.B. 18). The defendant is a trespasser and the plaintiffs are entitled to an injunction to restrain him from removing shingle from the strip and from otherwise trespassing on the strip. I do not think it is a case for more than nominal damages and I award the plaintiffs the sum of forty shillings under that head. The defendant must pay the costs of the action.—COUNSEL, *Clayton*, K.C., and *Harman*; *L. Fior*. SOLICITORS, *Kingsford, Dorman & Co.*, for *Gregson & Powell*, Southend; *Engall & Crane*.

[Reported by S. E. WILLIAMS, Barrister-at-Law.]

Probate, Divorce and Admiralty Division.

THE "WOODARRA" *v.* **ADMIRALTY.** Hill, J. 30th November.

SHIPPING—SALVAGE SERVICES—ADMISSION OF FACTS IN STATEMENT OF CLAIM—INFERENCES THEREFROM DENIED—FURTHER EVIDENCE TENDERED.

Where the defendants in certain consolidated actions for salvage services admitted the facts alleged in the various Statements of Claim, but denied the inferences drawn from those facts and denied that their ship was ever in real danger.

Held, that the plaintiffs were entitled to put in the defendants' log and a graph based on her soundings, but they were not allowed to call further evidence as to displacement of their tugs for the purpose of showing that some did more effective service than others.

"The Buteshire" (1909, P. 170), *distinguished.*

These were a batch of consolidated actions for salvage by the owners, masters and crews of certain tugs, against the owners of the steamship "Woodarra" her cargo and freight. The "Woodarra" grounded on the Long Sand at the mouth of the Thames in March, 1921, on a voyage from Antwerp to New Zealand, and the services of the tugs consisted in towing her off. The various Statements of Claim set out the facts and alleged that the "Woodarra" was rescued from a position of great danger. The defendants admitted that the tugs rendered salvage services and that the facts as to the services set out in the Statements of Claim were substantially correct. They denied that the various inferences sought to be drawn from those facts were accurate or well-founded, and submitted to the judgment of the court with reference to the true inferences to be drawn. They denied that the "Woodarra" was in real danger, and alleged that she was on the lee side of the sand on a sandy bottom, and sustained no damage and that soundings were taken all round her just after she stranded and four fathoms were found all round her. The Plaintiffs desired to call evidence as to the danger to which the "Woodarra" was exposed, and to put in the vessel's log, which contained sketches showing the soundings and also to put in a graph prepared by them and based on those soundings. Some of them also desired to call evidence as to the displacement of the tugs in order to show that more effective service was rendered by some of them than by others. The defendants objected on the ground that they had admitted the facts alleged in the Statements of Claim, and that the only question was as to the inferences to be drawn from those facts, and they relied on *The Buteshire* (*supra*).

HILL, J., after stating the facts said: The words of the Defence in *The Buteshire* are different to those here. I think on the Pleadings as they stand the plaintiffs are entitled to put in the defendants' log and the graph, based on the soundings, but I will not allow evidence on the question of the displacement of the various tugs. COUNSEL: *D. Stephens*, K.C., and *Langton*; *Bateson*, K.C., and *Dumas*; *Dunlop*, K.C., and *Lewis Noad*; *Batten*, K.C., and *A. E. Nelson*. SOLICITORS: *Clarkson & Co.*; *Mowll* and *Mowll*; *Thomas Cooper & Co.*; *Waltons & Co.*

[Reported by L. M. MAY, Barrister-at-Law.]

Correspondence.

Was Jeffreys a Roman Catholic?

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—Your ingenious note of Dec. 31 is hardly convincing. At best, it is merely a surmise on your part, based on your reading of the history of the times. Whereas, in your Article of Dec. 17, you put it as a matter of undoubted historical fact thus: "And, *of course, only* the accident that *Jeffreys became a Catholic*," &c.

It is difficult to prove a negative more than two centuries after the event. I advanced, in my former letter, certain reasons, which seemed to me almost conclusive.

May I refer you to Mr. Serjeant Woolrych's *Life of Jeffreys* (p. 140)? Also, to the fact that James, when he kept his Court in exile at St. Germain's, and had a free hand in the selection of a Chancellor, appointed Sir Edward Herbert, ex-Chief Justice of the Common Pleas, an Anglican, whom he created titular Earl of Portland?

If James could have had a Roman Catholic Chancellor in England, in 1685, what was the need for a collusive suit in 1686, to establish the legality of the dispensing power in the case of a Colonel's Commission only? See Trial of *Sir Edward Hales* (11 St. Tri., 1166).

Lincoln's Inn, 3rd January, 1922. W. DIGBY THURNAM.

[*See* "Current Topics."—ED. *S.J.*]

New Orders, &c.

Order in Council.

An Order in Council has been issued extending the Maintenance Orders (Facilities for Enforcement) Act, 1920, to the Colonies named below. The Act provides for the enforcement in England and Ireland of maintenance orders made by a Court in any part of His Majesty's dominions outside the United Kingdom to which it extends, and the legislatures of the undermentioned Colonies, to which it has now been extended, have made reciprocal provisions for the enforcement therein of maintenance orders made by Courts in England and Ireland :—

The Colony of the Gold Coast.
The Colony of Gambia.
The Colony of Trinidad and Tobago.

Board of Trade Orders.

FOOD CONTROL ORDER AMENDING THE SALE OF FOOD ORDER, 1921.

In exercise of the powers conferred upon them by the Ministry of Food (Continuance) Act, 1920, and the Ministry of Food (Cessation) Order, 1921, and of all other powers enabling them in that behalf, the Board of Trade hereby order that the Sale of Food Order, 1921 [S.R. & O., 1921, No. 1305] (hereinafter called the Principal Order), shall be amended as follows :—

1. The following shall be substituted for Part I of the Principal Order :—

"PART I.—BREAD.

"1.—(*a*) A person shall not sell or offer for sale any bread otherwise than by weight, except in the case of a sale or offer for sale for consumption on the premises of the seller.

"(*b*) A person shall not sell or offer or expose or carry for sale or deliver under a contract for sale any loaf of bread, unless its weight be 1 lb. or an even number of lbs.

"(*c*) The preceding provisions of this Clause shall not apply to fancy bread or rolls.

"2. Every person selling, offering, exposing or carrying for sale, or delivering any bread under a contract of sale shall, if so requested by an Inspector of Weights and Measures or by any person duly authorised in that behalf by a Local Authority, weigh the bread in the presence of such Inspector or person, or permit such Inspector or person to weigh the bread."

2. The provisions of Part III of the Principal Order shall not apply to lard.

3. Part IV and Part V of the Principal Order are hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof.

4. This Order shall come into operation on the 2nd January, 1922.

14th December.

ORDER REVOKING CERTAIN ORDERS.

In exercise of the powers conferred upon them by the Ministry of Food (Continuance) Act, 1920, and the Ministry of Food (Cessation) Order, 1921, and of all other powers enabling them in that behalf, the Board of Trade hereby revoke as on 2nd January, 1922, the Orders mentioned in the Schedule hereto, but without prejudice to any proceedings in respect of any contravention thereof.

SCHEDULE.

S.R. & O., 1919, No. 1117.	The Road Transport Order, 1919.
S.R. & O., 1921, Nos. 402 and 778.	The Road Transport (Requisition) Order, 1921.
S.R. & O., 1921, Nos. 438 and 778.	The Divisional Officers (Powers) Order, 1921, as amended.
S.R. & O., 1921, No. 1197	Order, dated 21st July, 1921, conferring certain powers on the Chief Inspector of the Scottish Board of Health.
S.R. & O., 1921, No. 531.	The Food Hoarding (Emergency) Order, 1921.

14th December.

CROWN PROCEEDINGS COMMITTEE.

The Lord Chancellor and the Attorney-General have appointed a Committee (of which the Attorney-General will be Chairman) to consider the position of the Crown as a litigant, and to make such proposals for the modification of the existing law upon the subject as may best conduce to efficiency and economy, with due regard to the special necessity for safeguarding the collection of the revenue.

The members of the Committee will be as follows :—Sir Gordon Hewart, K.C., Attorney-General (Chairman), Mr. Justice Rowlatt, Mr. Justice Hill, Mr. Justice Branson, Sir John P. Mellor, Sir George L. Barstow, Sir Claud Schuster, K.C., Sir Ernest Pollock, K.C., Solicitor-General, Sir Walter Trower, Sir Thomas Willes Chitty, W. M. Graham Harrison, R. M. Greenwood, Dighton N. Pollock, Henry M. Giveen, Gavin T. Simonds, J. Rye, J. H. Shaw; and the Secretary will be Miss Enid Rosser.

Societies.

General Council of the Bar.

The Annual General Meeting of the Bar will be held in the Inner Temple Hall, on Wednesday, 18th January, 1922, at 4.15 o'clock. The Attorney-General will preside.

Any Member of the Bar shall be at liberty to bring forward for discussion at the Annual General Meeting any resolution, provided that notice thereof shall have been given in writing to the Secretary of the Council not less than seven clear days before the day of Meeting, and that in the opinion of the Executive Committee of the Council such resolution is a matter of general interest to the Bar.

The Society of Incorporated Accountants and Auditors.

Results of Examinations held 14th, 15th, 16th and 17th November, 1921.

The following is the list of Honours Candidates in order of merit at the Final Examination in November :—

Palmer, Alfred, Newcastle-upon-Tyne. (First Prize and First Certificate of Merit).
Jones, Thomas Hambury, London. (Second Certificate of Merit. Disqualified for Prize by age limit imposed by the Council).
Elven, William Warnes, Norwich. (Third Certificate of Merit).
Groves, Matthew Henry, West Hartlepool. (Fourth Certificate of Merit).
Mitchell, Charles Rollings, Kidderminster. (Fifth Certificate of Merit).
Smith, Leonard Beaumont, Bradford. (Sixth Certificate of Merit).
Bates, Edward, Leicester. (Seventh Certificate of Merit).
Groves, William Edward, London. (Eighth Certificate of Merit).
In addition 126 Candidates passed and 80 Candidates failed.

In the Intermediate Examination the Honours Candidates in order of merit were :—

Chadwick, Jack Farrance, Bristol. (First Prize and First Place Certificate).
Trounce, Norman Leonard Rashleigh, London. (Second Prize and Second Place Certificate).
Pratt, George Leonard, London. (Third Prize and Third Place Certificate).
Sturgess, Albert Berina, London. (Fourth Place Certificate).
Colton, Thomas, Manchester. (Fifth Place Certificate).
Thorne, Alec Thomas, Bradford. (Sixth Place Certificate).
Carpenter, Herbert Franklin, London. (Seventh Place Certificate).
Mason, Richard John, London. (Eighth Place Certificate).
Davies, Oswald, Cardiff. (Ninth Place Certificate).
Back, William John, Cardiff. (Tenth Place Certificate).
Nellist, John Harger, Leicester. (Eleventh Place Certificate).
In addition 229 Candidates passed and 93 failed.

In the Preliminary Examination the Honours Candidates in order of merit were :—

Trout, Ernest Cornelius, Hull. (First Prize and First Place Certificate).
Rocke, Harry William, London. (Second Place Certificate).
McAuley, Charles, Preston. (Third Place Certificate).
And 49 Candidates passed and 25 failed.

The Utility of Grand Juries.

At Durham Quarter Sessions on Monday, says the *Times*, the Chairman, Judge Greenwell, said they had done without grand juries for several years and he did not think anybody had observed that the administration of justice had been carried out any the worse. So far as he could see, the only use of a grand jury was to afford a guilty person a chance of getting off without a trial. With full conviction he said at the present time there was no use at all for the grand jury system. If by any mischance an innocent man was committed for trial, he had the right to be tried in open court and get a clean bill and not be shuffled out of the road by a grand jury. The authorities might have deferred reviving the system until times were easier and thus have avoided the expense of 23 gentlemen coming to do work already properly done. After the conclusion of the business, the grand jury passed a resolution in favour of the abolition of the system.

At Nottinghamshire Quarter Sessions a protest against the revival of the grand jury system was made by the Chairman, Colonel Sir Lancelot Rolleston. The only prisoner for trial was a man who had stolen a pair of boots, and he pleaded guilty, yet 23 grand jurors, drawn from all parts of the county, in addition to the petty jury, had to attend the court.

Lord Justice Bankes, speaking at Flintshire Quarter Sessions on Tuesday, said that his long experience convinced him that there was no useful purpose served by having grand juries for quarter sessions, and he felt that they might be saved money and a waste of time by dispensing with them. Assizes, which deal with more serious crimes, were different.

A strong defence of the grand jury system was made at East Riding Quarter Sessions, at Beverley, on Tuesday, by the Chairman (Sir Alexander Wentworth Macdonald of the Isles). Addressing the grand jury as being himself an old grand juryman, he said that during the war, when the services of grand juries were dispensed with, an informal letter was sent round to the various chairmen of quarter sessions and recorders asking their opinion of grand juries, and there was a majority of nearly two to one in favour of their retention. He liked being a grand juryman, because of the position of enormous power it gave to them. They stood above judges, juries, and even courts of law. They absolutely had plenary power to prevent any man being put on trial. Altogether, 62 persons were summoned on the grand and common juries from different parts of East Riding. The only prisoners before the court were two boys charged with stealing chocolates from shop windows, and these pleaded "guilty," and were sent to reformatories.

Mr. G. A. Remington, in his charge to the grand jury at Cumberland Quarter Sessions, at Carlisle, on Tuesday, said that, in his opinion, no great injustice had been done while the administration of justice had been carried on without a grand jury. There was another safeguard now in the Court of Criminal Appeal, to which every convicted prisoner could go on the slightest flaw in his trial. Some people thought that a grand jury was unnecessary, and caused expense, but he did not think there was much in that argument, seeing that all kinds of people were now appointed as magistrates, and did a great deal of unpaid work. There was much to be said on both sides of the question.

At Dorset Quarter Sessions, held at Dorchester on Wednesday, the Chairman (Colonel Goodden), addressing the grand jury, said that the time had come when grand juries might very well be dispensed with. The grand jury expressed the unanimous opinion that the system was obsolete and unnecessary, and asked the chairman to acquaint the Home Office with their view.

Sir Francis Hyett, Chairman of the Gloucestershire Quarter Sessions, on Wednesday said that no doubt grand juries had been of inestimable value in the past, but their usefulness had been affected by the changing times. The experience of the past seven years had proved that the occasions when grand juries were necessary were very rare. They made an unnecessary claim on the time of public men. That was his personal opinion, but he recognized that there were members of the Court who took the opposite view. The foreman of the grand jury made a representation that the system should be discontinued, and Sir Francis Hyett promised that this view should be forwarded to the proper quarter.

At the Essex Quarter Sessions on Wednesday, Mr. Collingwood Hope, K.C., chairman, in charging the grand jury, said that experience had shown him that there was no inconvenience to any individual caused by the suspension of grand juries since 1917. There was so much publicity now that nothing savouring of miscarriage of justice could take place, and the Criminal Appeal Court was ready and anxious to redress any wrong. The retention of grand juries was not essential in the interests of justice. Later the grand jury passed a resolution against the reintroduction of the grand jury system.

Obituary.

Mr. Albert Gibson.

Mr. Albert Gibson, senior partner in the firm of Messrs. Gibson & Weldon, of 27, Chancery-lane, died on Christmas Day, at Cheltenham, aged 69. Mr. Gibson was the son of the Rev. Henry Gibson, of Fyfield Rectory, Ongar, Essex, and was educated at Rossall School. Leaving school before he was sixteen years old, he was articled to his brother, Mr. Thomas Gibson, of Messrs. Maxstead & Gibson, of Lancaster, and after spending the last year of his articles with Messrs. Bell, Brodrick & Gray, of Bow Church Yard, he passed his Final in the Easter Term, 1874, securing a certificate of merit. Immediately afterwards, Mr. Gibson went to Yokohama, where he practised with Mr. F. V. Dickins, Barrister, for a year or so. Returning to England at the end of 1875, he started "coaching" for the Solicitors' examinations in February, 1876, and speedily made a name for himself as one of the foremost "coaches" of the day. His teaching was not merely directed to securing success for his pupils at their examinations, but was also designed to equip them for the practical work of their professional careers, and it is not too much to say that he did a great work in raising the standard of legal education among solicitors.

In 1882 Mr. Gibson started "Gibson's Law Notes," a monthly law paper, intended primarily for students, but which, under the name of "Law Notes," has come to be used as much by practitioners as by students. He also wrote, sometimes alone, sometimes in conjunction with Mr. Arthur Weldon, or the late Mr. Robert Maclean, several law books, the best known of which is "Gibson's Conveyancing," now in its eleventh edition. Not content with these activities, Mr. Gibson founded the practising firm of Gibson and Weldon, and the "Law Notes" Library, and he contrived also to find time later on to take up golf at the age of forty-three, and at one time played on a handicap of two. He continued personally engaged in "coaching" until the autumn of 1903, when owing to ill-health he was compelled to give up actual teaching, though he remained for many years after an active partner in the business, organising and superintending and writing for "Law Notes," and seeing to the publication of new editions of his many books. During the last ten years or so of his life, however, his health did not permit him to take much active part in the business. Mr. Gibson was twice married. His second wife survives him.

Legal News.

Honours.

The list of Birthday Honours includes the following:—

Sir Ernest M. Pollock, K.C., M.P., Solicitor-General, has been made a Privy Councillor.

Mr. Richard Best, K.C., Attorney-General of Northern Ireland, has been made a Privy Councillor in Ireland.

Knighthoods have been conferred on Mr. Henry H. Curtis-Bennett, K.C., for services to the Criminal Investigation Department; on Judge Charles L. Shand, Judge of Liverpool County Court for 32 years; and on Mr. Montagu Sharpe, K.C., Chairman of Middlesex Quarter Sessions since 1908.

Major Percy Coleman Simmons, of "Woodcote," Lower Kingswood Surrey, Chairman of the London County Council, has been appointed a Knight Commander of the Royal Victorian Order.

Mr. Wilfred Moss, Solicitor, of Loughborough, has been appointed a Commander of the Order of the British Empire. Mr. Moss is President of the Leicestershire Law Society, and the honour is conferred for distinguished services as Chairman of Advisory Committees under the Derby Scheme and the Military Service Acts.

Business Changes.

As from the 1st January, 1922, Messrs. Wilberforce, Allen & Bryant, of 188, Strand, W.C., are acquiring the practice of Messrs. Rawson and Stevens of the said address, where the two practices will be carried on jointly under the style of "Wilberforce, Allen & Bryant."

Messrs. Janson, Cobb, Pearson & Co., of 22, College Hill, E.C.4, have taken into partnership Mr. Russell Asquith Wooding, LL.B. (London), who has been associated with them for many years past. The name of the firm will remain unaltered.

Mr. Arnold Edward Munns and Mr. John Arthur Gallop have joined the firm of Messrs. Freshfields & Leese, which will in future be known as "Messrs. Freshfields, Leese & Munns."

Messrs. Wreford Brown, Hewitt & Co., of 38, Old Jewry, E.C.2, and Messrs. Devonshire, Monkland & Co., of 1, Fredericks Place, Old Jewry, E.C.2, announce that they have as from 1st January, 1922, amalgamated their practices, which will in future be carried on under the style of Devonshire, Wreford Brown, Hewitt, Baggallay & Co., at 38 Old Jewry, E.C.2.

In consequence of the death of Mr. BAXTER in May last and the recent retirement, for reasons of health, of Mr. DUNCAN, Messrs. DUNCAN, OAKSHOTT & Co. (Duncan, Oakshott, Baxter & Chevalier), Solicitors and Notaries, of 43, Castle Street, Liverpool, have arranged to continue the business at the same address as hitherto, and to unite with the old-established firm of Jones, Paterson & Co., of 11, Dale Street. Mr. Morris P. Jones retires from his firm and his son, Mr. Morris Vernon Jones, the remaining partner, will join the firm in partnership at the beginning of next year. The style of the firm will be "Duncan, Oakshott, Chevalier and Morris Jones."

Dissolutions.

FREDERICK WILLIAM BILLSON and AUBREY TEMPLE SHARP, Solicitors, 23, Halford-street, in the City of Leicester (Billson & Sharp), 31st day of December, 1921.

MORRIS PATERSON JONES and MORRIS VERNON JONES, Solicitors, 11, Dale-street, in the City of Liverpool (Jones, Paterson & Co.), 31st day of December, 1921, the said Morris Paterson Jones retiring. The said Morris Vernon Jones will continue the business in union with Messrs. Duncan, Oakshott & Co., under the style of Duncan, Oakshott, Chevalier & Morris Jones, at 43, Castle-street, in the City of Liverpool.

ARNOLD EDWARD MUNNS, HUGH SUMMERS MUNNS and GEORGE JOHN STRICKLAND, Solicitors, 4B, Frederick's-place, Old Jewry, London (Munns & Longden), 31st day of December, 1921.

General.

Mr. James John Sparke, of Hook Heath Lodge, Woking, Surrey, and late of The Peak, Woldingham, Surrey, retired solicitor, left estate of gross value £35,973.

Mr. David Johnstone, of Corn Street, and Redland Hall, Bristol, solicitor, who died on 2nd July, aged 62, leaving £56,386 gross and £44,420 net, gives £2,000 each to his clerks, Frank Coles, George J. R. Moore, and Edward J. Dalpin.

Mr. James Robinson, of Philpot-lane, E.C., and Mount Ephraim-road, Streatham, solicitor, who died on 27th September, aged 83 years, left £21,952. He left £1,200 each to his managing clerk, Samuel Lake, and his assistant in the office, George Weedon; £500 to John George Cheesman, conveyancing manager; and six months' wages to other clerks who have been in the employ of his firm for five years.

A Reuter's message from Paris, of 3rd January, says:—A message from Turin states that the police at Florence, acting on instructions given by the judicial authorities, have seized at the house of a well-known antiquary a chair which once belonged to Savonarola. It was believed that the historic relic was to be sold to a foreign buyer, and in order to keep it in the country the Minister of Fine Arts took this means of preventing its export.

Winding-up Notices.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

CREDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

London Gazette.—FRIDAY, December 30.

CONTINEVER TENT CO. LTD. Feb. 7. Geoffrey Bostock, 21, Ironmonger-la.

THE UNIVERSITY PRESS OF LIVERPOOL. Mar. 8. Professor P. Abercrombie, 57, Ashton-st., Liverpool.

RICHARDSONS (CARRIERS) LTD. Jan. 14. Wm. R. Marsden, 11, Chancery-la, Bolton.

NATIONAL PEOPLE'S PALACES ASSOCIATION LTD. Jan. 21. Thomas G. Piper, Bush Lane House, Cannon-st.

London Gazette.—TUESDAY, January 3.

ALFRED MOREAU LTD. Feb. 20. Charles H. Cooper, 4, Chapel-walks, Manchester.

HAROLD HARGREAVES LTD. Feb. 6. Bert Mortimer, 7, Greek-st., Leeds.

MAINDY SHIPPING CO. LTD. Feb. 15. Edward T. Granger, Liquidator of the said Company.

PETT FARM (KENT) LTD. Jan. 19. O. Wyatt Williams, 14, Ironmonger-lane.

FYLDE ENGINEERING CO. LTD. Jan. 17. James Todd, 18, Birley-st., Blackpool.

T. P. BALL & CO. LTD. Jan. 7. Jno. H. Freeborough, 25, Figtree-lane, Sheffield.

HYGIA LAUNDRY CO. LTD. Jan. 18. William H. Crocker, 20, Pearl-buildings, Portsmouth.

MICHAEL PINTUS & SOMMERFELD LTD. Feb. 3. John K. Garioch, 16, King-st., E.C.

HELSBY CREAMERY LTD. Jan. 25. Edward Lloyd, 31, North John-st., Liverpool.

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, December 30.

Manchester Provisions Ltd.
A. W. Maxwell & Co. Ltd.
The "No-Germo" Syndicate Ltd.
The Manchester Factors Ltd.
The Lyceum Club International Ltd.
Star Polish Co. Ltd.
Continever Tent Co. Ltd.
Richardsons (Carriers) Ltd.
Alton Mills Ltd.
Alert Confectionery Co. Ltd.
Liversedge and Cock Ltd.
Thos. B. Mather Ltd.
Foster & Bird Ltd.

London Gazette.—TUESDAY, January 3.

The Limit Printing and Publishing Co. Ltd.
Robertson & Wynn Ltd.
Sussex Crisp Co. Ltd.
Crossland & Chapman Ltd.
The Hayes Piano Manufacturing Co. Ltd.
Lane & Neeve Ltd.
J. G. Rollin Ltd.
Chudleigh Constitutional Club Co. Ltd.
Wellingborough Motor Omnibus Co. Ltd.
W. Fletcher & Son Ltd.
Harry F. Atkins Ltd.
Moore & Hole Ltd.
Tampico Electric Light, Power & Traction Ltd.
James Smith & Co. (Wigan) Ltd.
Burbage Liberal Club Co. Ltd.
A.T.S. Syndicate Ltd.
Thomson & Sons (Barrow Bottling Co.) Ltd.
The Cambridge Master Builders' Association Insurance Co. Ltd.
The Dudley Road, Wolverhampton, and General £25 Money Society Ltd.
The Moor End Stone Co. Ltd.
Milns, Cartwright, Reynolds & Co. Ltd.
J. Howcroft & Co. Ltd.
Brook Motor & Engineering Co. (Manchester) Ltd.
The Farquhar Vitrified Photograph Co. Ltd.
Alfred Moreau Ltd.
Grimes, Curtis & Co. Ltd.
The London Langkat Syndicate Ltd.
Edward Osborne & Co. Ltd.
Staffordshire Cinematograph (1912) Co. Ltd.
South Western Cinema Co. Ltd.
A. R. Pole & Co. Ltd.
Synoloids Ltd.
Sawyer & Co. Ltd.
Quinn & Axtens Ltd.
Taylors (Peterborough) Ltd.
H. J. Helgesen Ltd.
Oriental Tobacco Trading Co. Ltd.
The Motor Car Coppersmithing & Appliances Co. Ltd.
T. P. Ball & Co. Ltd.
British American Rubber Co. Ltd.
The British Sugar Co. Ltd.
Liverpool & District Fish Friers' Association Ltd.

Bankruptcy Notices.

RECEIVING ORDERS.

London Gazette.—FRIDAY, December 30.

FIELD, NELLIE S., Torquay. Cheltenham. Pet. Dec. 6. Ord. Dec. 20.

GOLDFARB, SOLOMON, Manchester. Manchester. Pet. Dec. 17. Ord. Dec. 22.

IVES, THOMAS H., Manchester. Manchester. Pet. Dec. 22. Ord. Dec. 22.

JONES, EDWARD, Manchester. Manchester. Pet. Dec. 14. Ord. Dec. 23.

SOLOMONS, EPHRAIM, Kings-rd., Chelsea. High Court. Pet. Dec. 16. Ord. Dec. 24.

SYRES, THOMAS A., Chalk Farm. High Court. Pet. Dec. 29. Ord. Dec. 29.

TOOMBES, ALFRED J., Senghenydd, Glam. Pontypridd. Pet. Dec. 22. Ord. Dec. 22.

TYRER, GEORGE A., Liverpool. Liverpool. Pet. Dec. 8. Ord. Dec. 23.

WILLIAMS, JOHN, Treicach-ar-Bettws. Carmarthen. Pet. Dec. 10. Ord. Dec. 23.

London Gazette.—TUESDAY, Jan. 3.

BAILEY, CHARLES A., Torquay. Exeter. Pet. Dec. 21. Ord. Dec. 21.

BANKS, ERNEST R., Grendon Bishop. Worcester. Pet. Dec. 19. Ord. Dec. 31.

BILTCLIFFE, WALTER, Dewsbury. Dewsbury. Pet. Dec. 30. Ord. Dec. 30.

BOULAD, P., Piccadilly. High Court. Pet. June 8. Ord. Dec. 22.

BUTLER, HENRY, Derby. Derby. Pet. Dec. 30. Ord. Dec. 30.

CARTWRIGHT, ALFRED T., Aston, Birmingham. Birmingham. Pet. Dec. 30. Ord. Dec. 30.

DAVISON, JOHN, Hartlepool. Sunderland. Oct. Dec. 30. Ord. Dec. 30.

DEPLEDGE, ROBERT A., Scunthorpe. Great Grimsby. Pet. Dec. 30. Ord. Dec. 30.

DOLMAN, FREDERICK, Bradley, near Bilston. Dudley. Pet. Dec. 30. Ord. Dec. 30.

DONALDSON, EARLE, Liverpool. Liverpool. Pet. Dec. 12. Ord. Dec. 30.

DRURY, RICHARD E., Leeswood, Flint. Chester. Pet. Dec. 30. Ord. Dec. 30.

DUCKELS, RICHARD, Goole. Wakefield. Pet. Dec. 30. Ord. Dec. 30.

EAST, JAMES R., Winsford. Nantwich. Pet. Dec. 30. Ord. Dec. 30.

FUSSELL, TOBIAS, Bristol. Bristol. Pet. Dec. 20. Ord. Dec. 30.

GAGE, FREDERICK G., Tenby. Haverfordwest. Pet. Dec. 30. Ord. Dec. 30.

GELLER, I., and GELLER, MONTAGUE, Edgware-rd. High Court. Pet. Nov. 17. Ord. Dec. 31.

GIBBINS, HERBERT J., Shaftesbury-avenue. High Court. Pet. July 14. Ord. Dec. 22.

GRAVES, FRANCIS, Louth. Great Grimsby. Pet. Dec. 31. Ord. Dec. 31.

HAMMILL, JOHN R., Castleford. Wakefield. Pet. Dec. 30. Ord. Dec. 30.

HARRISON, ERNEST, Barrow-in-Furness. Barrow-in-Furness. Pet. Dec. 30. Ord. Dec. 30.

HARRISON, THOMAS, Blackpool. Blackpool. Pet. Dec. 30. Ord. Dec. 30.

HAYWARD, WILLIAM J., Charing. Canterbury. Pet. Dec. 30. Ord. Dec. 30.

HELLEY, WILLIAM S., Treherbert. Pontypridd. Pet. Dec. 30. Ord. Dec. 30.

HOLT, THOMAS R., Bolton. Bolton. Pet. Dec. 7. Ord. Dec. 30.

JENNINGS, WALTER D., Felixstowe. Ipswich. Pet. Dec. 30. Ord. Dec. 30.

LANGSFORD, EDWIN G., Burnley. Burnley. Pet. Dec. 30. Ord. Dec. 30.

MACCARTHY, P. A. & Co., Manchester. Manchester. Pet. Dec. 13. Ord. Dec. 30.

MAHON, WILLIAM, Old Kent-rd. High Court. Pet. Dec. 31. Ord. Dec. 31.

MANSER, ETHEL, Castle-st., Falcon-sq. High Court. Pet. Nov. 24. Ord. Dec. 30.

O'HARA, MICHAEL, and O'HARA, MYLES, Heywood. Bolton. Pet. Dec. 30. Ord. Dec. 30.

PUGH, HERBERT J., Crouch End. High Court. Pet. Dec. 31. Ord. Dec. 31.

REUBEN, MAURICE, Middlesbrough. Stockton-on-Tees. Pet. Dec. 30. Ord. Dec. 30.

RICH, S., Shaftesbury-avenue. High Court. Pet. June 8. Ord. Dec. 22.

ROBERTSON, FRANCIS J. L., Shaftesbury-avenue. High Court. Pet. June 8. Ord. Dec. 22.

ROSS, D., Newbury. Reading. Pet. Oct. 25. Ord. Dec. 17.

SHEILD, JOHN G., Worcester. Worcester. Pet. Dec. 17. Ord. Dec. 31.

SMITH, Mr. R. W., Leeds. Leeds. Pet. Dec. 15. Ord. Dec. 30.

THOMAS, JOHN R., Llanelly. Carmarthen. Pet. Dec. 15. Ord. Dec. 31.

TRIGGS, EDMUND, Herne Bay. Canterbury. Pet. Dec. 30. Ord. Dec. 30.

WALKER, W. B., Manchester. Manchester. Pet. Dec. 9. Ord. Dec. 30.

WARD, JOHN, Normanton. Wakefield. Pet. Dec. 30. Ord. Dec. 30.

WHITTAKER, THOMAS, Southport, and WHITTAKER, THOMAS H., Oswaldtwistle. Blackburn. Pet. Dec. 28. Ord. Dec. 28.

WIDDOWS, ARNOLD, Bradford. Bradford. Pet. Dec. 17. Ord. Dec. 30.

WILLIAMS, SARAH A., Pontypridd. Pontypridd. Pet. Dec. 30. Ord. Dec. 30.

WOODHOUSE, EDWIN, Belbroughton. Worcester. Pet. Dec. 31. Ord. Dec. 31.
Amended Notice substituted for that published in the *London Gazette* of December 30, 1921.

TYRER, GEORGE A., Liverpool. Liverpool. Pet. Dec. 8. Ord. Dec. 23.